

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5410

IN THE MATTER OF:

Served September 9, 1998

Application to Transfer Certificate)	Case No. AP-98-38
No. 310 from HUNTEMANN AMBULANCE)	
SERVICE, INCORPORATED, to LIFESTAR)	
RESPONSE OF MARYLAND, INC.)	

By application accepted for filing September 1, 1998, Huntemann Ambulance Service, Incorporated, WMATC Carrier No. 310, ("Huntemann" or transferor), and Lifestar Response of Maryland, Inc., a New York corporation, ("Lifestar" or transferee), (collectively applicants), seek Commission approval to transfer a substantial part of Huntemann's assets, including Certificate No. 310, to Lifestar.

Lifestar and Huntemann have entered into an asset purchase agreement, pursuant to which Lifestar will acquire substantially all of the assets of Huntemann, including Certificate No. 310. Applicants also have entered into an operating agreement, pursuant to which Lifestar will manage Huntemann's operations until such time as full regulatory approval of the asset purchase is obtained. Once approval is obtained, Lifestar will commence operations in its own name in accordance with the asset purchase agreement.

Upon the Commission's approval of the asset purchase agreement, transferee proposes to file transferor's current tariff as its own and commence operations with three wheelchair vans.

Under Article XI, Section 11(a), and Article XII, Section 3, Subsections (a)(ii) and (c), of the Compact, the Commission may approve the transfer of assets from a WMATC carrier to another carrier, including a WMATC certificate of authority, if the Commission finds said transfer to be in the public interest. Similarly, under Article XII, Section 3, Subsections (a)(ii) and (c), the Commission may approve the contract of one carrier to operate a substantial part of the property or franchise of another carrier if the contract is consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹

¹ In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd. & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

This proceeding is hereby initiated to determine transferee's fitness and whether the proposed transaction is otherwise consistent with the public interest

Applicant will be directed to complete the application form by filing an amended page 3 with one of the boxes checked in the "USDOT Safety Rating" section.

THEREFORE, IT IS ORDERED:

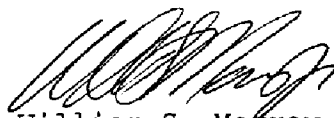
1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 18, 1998, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than October 9, 1998, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicants shall file with the Commission, no later than September 18, 1998, an original and four copies of an amended page 3 with one of the boxes checked in the "USDOT Safety Rating" section.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is October 9, 1998, and that copies must be served on transferee's representative, Brad May, Regional Manager, 11200 Scaggsville Road, Laurel, MD 20723.

FOR THE COMMISSION:



William S. Morrow, Jr.
Acting Executive Director